

Attorney Docket: 01315  
U.S. Application No.: 10/026,835 Examiner: Van Handel Art Unit: 2623  
Response to June 28, 2007 Final Office Action

### **REMARKS**

In response to the final Office Action dated June 28, 2007, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

#### **Rejection of Claims under § 112**

The Office rejected claims 21, 25, and 45-47 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. These claims have been canceled, so the rejection is moot.

#### **Rejection of Claims under § 102 (e)**

Claims 23-24, 27-28, 32-35, 39-44, and 47 were rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent Application Publication 2002/0046099 to Frengut, *et al.* These claims have been canceled, so the rejection is moot.

#### **Rejection of Claims under § 103 (a)**

The Office rejected claims 1, 4-11, 13-18, 21, and 45-46 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2002/0144259 to Gutta, *et al.* (hereinafter "*Gutta '259*") in view of U.S. Patent Application Publication 2002/0194586 to Gutta, *et al.* (hereinafter "*Gutta '586*"). Claims 19, 20, and 22 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Gutta '259* in view of *Gutta '586* and further in view of *Frengut*. Claims 25-26 and 29-31 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Frengut* in view of *Gutta '259*. Claim 36 was rejected under 35 U.S.C. § 103 (a) as being obvious over *Frengut* in view of U.S. Patent 6,025,869 to Stas, *et al.* Claims 37-38 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Frengut* in view of *Gutta '586*.

Attorney Docket: 01315  
 U.S. Application No.: 10/026,835 Examiner: Van Handel Art Unit: 2623  
 Response to June 28, 2007 Final Office Action

All these claims, however, have been canceled, so the rejections are moot.

**New Claims 48-77**

This response presents new claims 48-77. Claims 48-77 replace claims 1-44, which have been, or were previously, canceled without prejudice or disclaimer. Because new claims 48-77 are less in number and replace claims 1-44, no excess claim fees are due.

New claims 48-77 cannot be anticipated or obviated by the cited documents. These claims recite, or incorporate, features that are not taught or suggested by *Fengut, Gutta '259*, *Gutta '586*, or *Stas*, whether considered alone or in any combination. Independent claim 48, for example, recites "*executing the at least one action, the at least one action comprising i) directing an email application to retrieve and send email messages and ii) directing a voicemail application to retrieve voicemail messages.*" Support for such features may be found at least in the as-filed application at paragraph [0027] and at tables 1 and 2. Independent claim 48 also recites "*sending the user identifier to a presence database,*" "*querying the presence database for other user identifiers associated with the user identifier,*" and "*receiving presence updates identifying presence of the other user identifiers.*" Support for such features may be found at least in the as-filed application at paragraph [0077]. Independent claim 48 is reproduced below, and independent claims 58 and 68 recite similar features.

48. A method, comprising:

- wirelessly transmitting an activation signal from a presence detector;
- in response to the activation signal, wirelessly receiving an identification signal at the presence detector, the identification signal comprising a user identifier that identifies a user associated with a transponder;
- communicating the user identifier to a computer coupled to the presence detector;
- querying for a user profile associated with the user identifier;
- accessing the user profile to determine at least one action to be executed in response to the user identifier;
- executing the at least one action, the at least one action comprising i) directing an email

Attorney Docket: 01315  
U.S. Application No.: 10/026,835 Examiner: Van Handel Art Unit: 2623  
Response to June 28, 2007 Final Office Action

application to retrieve and send email messages and ii) directing a voicemail application to retrieve voicemail messages;

sending the user identifier to a presence database;

querying the presence database for other user identifiers associated with the user identifier; and

receiving presence updates identifying presence of the other user identifiers.

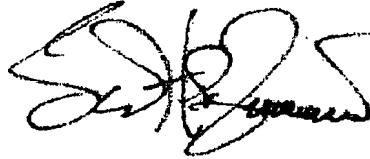
*Fengut*, *Gutta* '259, *Gutta* '586, and *Stas* are all silent to all these features. *Fengut* describes a user interface that presents a customized web page to a user. See U.S. Patent Application Publication 2002/0046099 to *Fengut, et al.* at paragraph [0026]. The user's profile is compared to an ad profile and matching ads are retrieved. See *id.* *Gutta* '259 discloses a media controller that monitors audio/visual capture devices, such as a camera or microphone. U.S. Patent Application Publication 2002/0144259 to *Gutta, et al.* at paragraphs [0012] and [0013]. A user's profile stores rules that define triggering criteria. See *id.* at paragraph [0014]. When a rule is triggered, a media player controller performs an action, such as muting or adjusting volume, recording, and changing a channel. See *id.* at paragraph [0015]. *Gutta* '586 discloses an entertainment system that detects users. See U.S. Patent Application Publication 2002/0194586 to *Gutta, et al.* at paragraph [0018]. When users are detected, a composite profile is created. See *id.* at paragraph [0020]. *Stas* describes a matrix that allows a supervisor (e.g., a parent) to block/allow certain channels and times of use.

Still, though, new claims 48-77 cannot be anticipated or obviated by the cited documents. *Fengut*, *Gutta* '259, *Gutta* '586, and *Stas* are all silent to "executing the at least one action, the at least one action comprising i) directing an email application to retrieve and send email messages and ii) directing a voicemail application to retrieve voicemail messages." *Fengut*, *Gutta* '259, *Gutta* '586, and *Stas* are also silent to "sending the user identifier to a presence database," "querying the presence database for other user identifiers associated with the user identifier," and "receiving presence updates identifying presence of the other user identifiers." New claims 48-77, then, cannot be anticipated or obviated by these documents.

Attorney Docket: 01315  
U.S. Application No.: 10/026,835 Examiner: Van Handel Art Unit: 2623  
Response to June 28, 2007 Final Office Action

If any questions arise, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

Scott P. Zimmerman  
Attorney for the Assignee  
Reg. No. 41,390